

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

**JANET A MOSS and  
ALISHA MOUTON**

**NUMBER: 6:12-cv-2294**

**VS.**

**BIO-MEDICAL APPLICATIONS OF  
LOUISIANA, LLA d/b/a FRESENIUS  
MEDICAL CARE DIALYSIS SERVICES  
WEST LAFAYETTE**

**NOTICE OF REMOVAL**

NOW INTO COURT, through undersigned counsel, comes defendant, Bio-Medical Applications of Louisiana, L.L.C. d/b/a Fresenius Medical Care Dialysis Services West Lafayette (hereinafter referred to as “Remover” or “BMA”) who, pursuant to 28 U.S.C § 1441 and 1446, respectfully files this Notice of Removal. In support of this removal, Remover asserts the following:

**I.**

On or about July 27, 2012, plaintiff filed this suit in the Fifteenth Judicial District Court, Parish of Lafayette, State of Louisiana, which is now pending therein bearing Suit Number 2012-4166, Division “J.”

**II.**

This Notice of Removal is being filed within thirty (30) days after the receipt, through service, of a copy of the initial pleading setting forth the claim for relief against Remover upon which the state court action or proceeding is based. Remover was served with the original petition on or about August 6, 2012.

III.

This suit is being removed less than one year after commencement of this action in state court.

IV.

Pursuant to 28 U.S.C. § 1441(a), the United States District Court for the Western District of Louisiana, Lafayette Division, is the district and division within which the above described state court suit is pending.

V.

This court has jurisdiction pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441 because this action is between citizens of different states and the amount in controversy exceeds SEVENTY FIVE THOUSAND DOLLARS (\$75,000), exclusive of costs and interests.

VI.

Plaintiff, upon information and belief, is a citizen of the State of Louisiana. BMA is a Delaware limited liability company with its principal place of business in Massachusetts. Its sole member is Bio-Medical Applications of Maryland, Inc., a corporation organized under the laws of Delaware and having its principal place of business in Massachusetts.

VII.

Plaintiffs have asserted that the actions of BMA resulted in the death of their mother. Therefore, Remover reasonably believes and avers that the amount in controversy in the above entitled action, exclusive of interest and costs, will exceed the jurisdictional amount of SEVENTY FIVE THOUSAND DOLLARS (\$75,000) set forth in 28 U.S.C. § 1332 and incorporated in 28 U.S.C. § 1441(a) which allows removal of state court suits to federal court.

VIII.

A copy of the state court suit record and citation is attached to this Notice of Removal as Exhibit "A" *in globo*.

WHEREFORE, Remover prays that this Notice of Removal be accepted by this Honorable Court as good and sufficient and that this Court will enter such orders as may be proper in the premises.

By Attorneys,

**TAYLOR, PORTER, BROOKS & PHILLIPS L.L.P.**

By: s/ Cynthia M. Amedee

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*Attorneys for Bio-Medical Applications of Louisiana,  
L.L.C. d/b/a Fresenius Medical Care Dialysis Services  
West Lafayette*

**- CERTIFICATE OF SERVICE -**

I certify that a copy of the foregoing was this day mailed, properly addressed and first-class postage prepaid to:

Kenneth D. St. Pe'  
Guilliot & St. Pe', LLC  
428 Jefferson Street  
Lafayette, LA 70501

Baton Rouge, Louisiana, this 4<sup>th</sup> day of September, 2012.

s/ Cynthia M. Amedee

Cynthia M. Amedee